

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

CARNELL M MCCREARY-EL,

PLAINTIFF,

v.

Case No 23-CV-12100  
HON. JONATHAN J.C. GREY  
MAG. DAVID R. GRAND

STATE OF MICHIGAN, CATHY  
M. GARRETT, LISA DENISE  
PETERSON, DWAYNE B SEALS,  
WAYNE COUNTY CLERKS  
OFFICE,

DEFENDANTS.

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Carnell M McCreary-El  
14739 Holmur  
Detroit, MI 48238  
PRO SE *for Plaintiff*

Kristoffer P. Butler (P84282)  
John C. Boufford (P55313)  
Assistant Corporation Counsel  
James W. Heath  
Wayne County Corporation Counsel  
500 Griswold St., Floor 30  
Detroit MI 48226  
(313) 224-6682  
kbutler1@waynecounty.com  
jboufford@waynecounty.com  
*Attorneys for WC Defendants*

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**DEFENDANT GARRETT, PETERSON, SEALS AND WAYNE COUNTY  
CLERKS' OFFICE ANSWER TO PLAINTIFF'S COMPLAINT**

DEFENDANT Garrett, Peterson, Seals and Wayne County Clerks' Office  
(hereinafter "Wayne County Defendants"), by and through counsel, for their  
Answer to Plaintiff's Complaint states as follows:

1. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
2. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
3. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
4. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
5. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.  
That notwithstanding, Wayne County denies that it has any policy, custom, or procedure that would deny Plaintiff his constitutional rights.
6. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.  
That notwithstanding, Wayne County denies that it has any policy, custom, or procedure that would deny Plaintiff his constitutional rights.
7. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
8. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

9. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

10. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

**I. ACCESS TO THE COURTS**

11. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

**II. PROCEDURAL AND SUBSTANTIVE DUE PROCESS**

**VIOLATIONS**

12. Defendant Wayne County lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

Respectfully submitted,

By: /s/Kristoffer P. Butler  
Kristoffer P. Butler (P84282)  
John C. Boufford (P55313)  
Assistant Corporation Counsel  
500 Griswold St., Floor 30  
Detroit MI 48226  
(313) 224-6682  
kbutler1@waynecounty.com

*Attorneys for WC Defendants*

**AFFIRMATIVE DEFENSES**

1. Plaintiffs' claims are barred by qualified immunity under federal law.
2. Individual Defendants that may or have been named are entitled to immunity granted by law, including but not limited to absolute immunity, qualified immunity, and all immunity pursuant to the governmental tort liability act at 691.1401 et seq.
3. Plaintiff's contributory negligence was the cause or a cause of their own harm.
4. Defendant Wayne County was not the cause of plaintiffs' harm, if any.
5. Intervening superseding cause exists.
6. Plaintiff has failed to join a necessary party.
7. Plaintiffs' have failed to mitigate their damages.
8. The alleged rights violations in this case did not arise by virtue of any unconstitutional or otherwise unlawful custom, policy, and/or practice.

Respectfully submitted,

By: /s/Kristoffer P. Butler  
Kristoffer P. Butler (P84282)  
John C. Boufford (P55313)  
Assistant Corporation Counsel  
500 Griswold St., Floor 30  
Detroit MI 48226  
(313) 224-6682  
[kbutler1@wayne-county.com](mailto:kbutler1@wayne-county.com)  
*Attorneys for WC Defendants*

**CERTIFICATE OF SERVICE**

I certify that on October 10, 2023, I filed the *foregoing*, along with this *Proof of Service* with the Clerk of the Court via the court's electronic filing system which will send notice to all parties, and via US mail to all non ECF participants:

Carnell M McCreary-El  
14739 Holmur  
Detroit, MI 48238

*/s/Susan Sweetman*